

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|-----------------|
| CHARLES BRIDGES, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | |
| |) | Civil Action |
| CAROLYN W. COLVIN, Acting |) | No. 12-cv-02316 |
| Commissioner, Social |) | |
| Security Administration; |) | |
| JASPER J. BEDE; |) | |
| JANET LANDESBURG; and |) | |
| REANA SWEENEY, |) | |
| |) | |
| Defendants |) | |

O R D E R

NOW, this 28th day of March, 2014, upon consideration of Defendants' Motion to Dismiss Amended Complaint, which motion was filed March 28, 2013 (Document 31)("Motion to Dismiss"); upon consideration of Plaintiff's Answer in Opposition to Defendants' Motion to Dismiss, which answer was filed April 12, 2013 (Document 32); upon consideration of the Amended Complaint (Document 30) and attached exhibits (Documents 30-1 and 30-2) filed March 18, 2013; upon consideration of the briefs and legal memoranda of the parties; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendants' Motion to Dismiss Amended Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted to the extent that it seeks to dismiss any claims asserted against the individual federal-employee defendants Jasper J. Bede,

Janet Landesburg, and Reana Sweeney which allege racial discrimination in violation of the United States Constitution, 42 U.S.C. §§ 1981 or 1983, or any other federal statute.

IT IS FURTHER ORDERED that such claims asserted in Counts I and III of the Amended Complaint against the individual federal-employee defendants are dismissed.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted to the extent that it seeks to dismiss plaintiff's Pennsylvania pendent state-law claims asserted in Count IV through VIII of the Amended Complaint.

IT IS FURTHER ORDERED that Counts IV through VIII of the Amended Complaint are dismissed.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted as uncontested to the extent that it seeks to dismiss plaintiff's hostile-work-environment and retaliation claims in Counts I and III of the Amended Complaint under Title VII¹.

IT IS FURTHER ORDERED that plaintiff's hostile-work-environment and retaliation claims in Counts I and III of the Amended Complaint, respectively, under Title VII are dismissed.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is denied to the extent that it seeks to dismiss plaintiff's discrimination and retaliation claims in Counts I and III of the Amended

¹ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000(e) to 2000(e)-17 ("Title VII").

Complaint for failure to sufficiently plead an adverse employment action under Title VII.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted to the extent that it seeks to dismiss plaintiff's racially-motivated-removal claim asserted in Count I of the Amended Complaint under Title VII.

IT IS FURTHER ORDERED that plaintiff's racially-motivated-removal claim in Count I of the Amended Complaint under Title VII is dismissed.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is denied to the extent that it seeks to dismiss plaintiff's procedural-due-process claim for declaratory judgment in Count II of the Amended Complaint.²

IT IS FURTHER ORDERED that defendants shall have until April 21, 2014 to file an answer to Count II of the Amended Complaint.

BY THE COURT:

/s/ JAMES KNOLL GARDNER_____
James Knoll Gardner
United States District Judge

² As a result of the foregoing rulings, Count II is the sole claim remaining for disposition in the Amended Complaint.